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September 6, 2001

Ms. Carlyn Winter Prisk (3HS11)  
United States Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

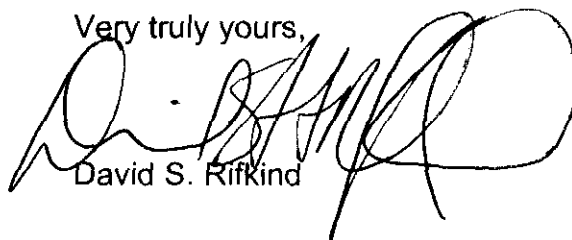
**Re: Request for Information about the Lower Darby Creek Area  
Superfund Site - Clearview Landfill, Folcroft Landfill, and Folcroft  
Landfill Annex**

This letter constitutes the initial Response of the General Electric Company to the United States Environmental Protection Agency's above referenced Request for Information ("Request") dated August 2, 2001 directed to GE. The Request contained an unusually short, and burdensome time limit to respond of 15 days. GE contacted Brian Nishitani, who agreed to a two-week extension of time, and to allow GE to provide an initial response that may be incomplete. A formal extension of time to respond until September 6, 2001 was granted by EPA as documented in a letter from Elizabeth F. Abrams of Reed Smith dated August 15, 2001.

To answer your request, we have undertaken an extensive search of reasonably available information relating to facilities located in the Philadelphia area. However, as previously discussed with EPA, given GE's long history in the Philadelphia area, GE requested that EPA provide additional nexus information to the Site. EPA identified the Philadelphia Switchgear facility as the only facility that EPA had information with which to link GE to the Site. Therefore, GE's initial investigation focused on that facility, although GE has also searched records of other facilities. This response is made without waiver of any objections or rights and should not be construed and is not an admission of liability under any state or federal law.

GE objects to this Request in its entirety for several reasons, included at the end of GE's response. However, GE has undertaken a diligent effort to respond and will supplement this written response shortly with documents responsive to the Request. If you have any questions regarding this response, please address them to me.

Very truly yours,



David S. Rifkind



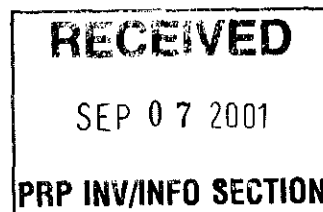
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GE objects to this Request in its entirety for several reasons, included at the end of GE's response. However, GE has undertaken a diligent effort to respond and will supplement this written response shortly with documents responsive to the Request. If you have any questions regarding this response, please address them to me.

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David S. Rifkind

General Electric Company Response  
Page 1  
09/06/2001

**RESPONSE OF GENERAL ELECTRIC COMPANY  
TO THE EPA INFORMATION REQUEST REGARDING THE LOWER DARBY  
CREEK AREA SUPERFUND SITE**

1. State the name of your company, its mailing address, and telephone number.  
Further identify:
  - a. The dates and states of incorporation of your company;
  - b. The date and original state of incorporation of your company; and
  - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

**GE's Answer:**

**General Electric Company  
640 Freedom Business Center  
King of Prussia, PA 19406**

- a. **GE was incorporated in New York in 1892.**
  - b. **See a.**
  - c. **GE has no parent company. GE objects to the remainder of the question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. GE has many subsidiaries and affiliated entities. If EPA provides a list of Potentially Responsible Parties for this Site to GE, GE will check that list thoroughly to and notify EPA if any of GE's subsidiaries or affiliates are on the PRP list.**
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

**GE's Answer:**

**GE objects to the use of the term "Philadelphia, Pennsylvania area" as an undefined term that is vague and open to wide and differing interpretation. GE is a diversified services, technology and manufacturing company conducting a wide range of business activity in and near Philadelphia. GE objects to the balance of this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain**

pursuant to its statutory authority. GE's business activity in and near Philadelphia currently includes, and previously included, manufacturing switchgear equipment, servicing industrial power equipment, and sales and marketing of numerous GE product lines.

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provided the last known telephone number or last known address of such person.

**GE's Answer:**

GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Given the number of GE facilities in Philadelphia and the vast time period involved, EPA's request calls potentially for the names of thousands of people. And many of the employees who would be expected to have information responsive to the Request are retired, deceased or otherwise not reasonably available. GE further objects that this question is invasive of personal privacy to the extent it purports to require GE to search out and provide home addresses, telephone numbers, job titles (outside of GE), and social security numbers. Furthermore, to the extent this information is not known to GE, it is equally available to EPA.

Subject to the objections above, and not a waiver of any part thereof, the following employees have knowledge of waste disposal practices at certain facilities located in Philadelphia, PA:

Hal Heckman  
EHS Manager  
GE Industrial Systems Power Equipment Business  
Component Parts & Turbine Support Operation  
6901 Elmwood Avenue  
Philadelphia, PA 19142  
215-726-3072

**Rich Conway  
Millwright  
GE Industrial Systems Power Equipment Business  
Component Parts & Turbine Support Operation  
6901 Elmwood Avenue  
Philadelphia, PA 19142  
215-726-2046**

**Christopher Allen  
EHS Manager  
GE Energy Services  
1 River Road  
Schenectady, NY 12345  
518-385-0623**

4. Identify the owners and operator of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
- a. The dates of their operations;
  - b. The nature of their operation; and
  - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishments(s).

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Subject to the objections above, and not a waiver of any part thereof, GE states that:**

**GE has owned and operated a Breaker Manufacturing Facility at 6901 Elmwood Avenue, Philadelphia, PA from 1958 to the present. The facility manufactures circuit breaker equipment for the electrical distribution industry. From 1958 until the 1970's, GE maintained an incinerator at the Elmwood Avenue facility and**

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General Electric Company Response

Page 4

09/06/2001

nearly all of the plant waste was incinerated onsite. From sometime in 1966 until approximately 1970, GE disposed of waste that it could not incinerate at the facility at the Folcroft landfill. GE took waste to the Folcroft landfill in a standard-sized dump truck one to two times per day on average. The waste materials were generally contained in either 55 gallon drums or 3-4 foot square boxes, and consisted generally of oversized pieces of wood that did not fit in the onsite incinerator, steel cuttings and turnings mixed with cutting oils, mixed floor debris, paint wastes, and materials used to clean up cutting oil spills. By 1971, in accordance with internal GE policy, GE disposal at the Folcroft landfill was discontinued, and an independent contractor took plant waste from the facility. GE has found no records identifying the contractor that took waste from the facility between the time period of 1971 to 1976. Other records are being reviewed and will be supplied to EPA in a subsequent response.

GE owned and operated the Skeats High Power Laboratory at 76<sup>th</sup> Street and Lindbergh Boulevard, Philadelphia from the 1960's until the 1980's. The High Power Laboratory tested and developed transformer and circuit breaker equipment for the industrial electric distribution industry. The Laboratory was part of the same division as the Elmwood Avenue facility, and waste from the Laboratory is believed to have been primarily sent to the Elmwood Avenue facility to be destroyed in the onsite incinerator. GE has so far not located any records of waste handling or disposal for that facility.

GE owned and operated a circuit board manufacturing facility at 6808 Greenway Avenue, Philadelphia during the 1960's-1970's. The Greenway Avenue facility was part of the same division as the Elmwood Avenue facility, and the waste from the Greenway Avenue facility is believed to have been primarily sent to the Elmwood Avenue facility to be destroyed in the onsite incinerator. GE has so far not located any records of waste handling or disposal for that facility.

GE owned and operated a Circuit Breaker Plant known as the Riverside Plant at Norris and Richmond Streets, Philadelphia during the 1970's to 1980's. The Riverside Plant was part of the same division as the Elmwood Avenue facility, and the waste from the Greenway Avenue facility is believed to have been primarily sent to the Elmwood Avenue facility to be destroyed in the onsite incinerator. GE has so far not located any records of waste handling or disposal for that facility.

GE owned and operated a data processing computer center in Folcroft, Pennsylvania. GE has so far not located any records of waste handling or disposal for that facility.

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General Electric Company Response

Page 5

09/06/2001

**GE owned and operated a high power thyristor and diode manufacturing facility in Collingdale, Pennsylvania in the 1950's to 1985. GE has so far not located any records of waste handling or disposal for that facility.**

**GE owned and operated a warehouse for a short period of time in the late 1960's in Sharon Hill, Pennsylvania. GE has so far not located any records of waste handling or disposal for that facility.**

**GE has owned and operated an energy services service facility at 1040 E. Erie Avenue, Philadelphia from the 1960's to the present. The service facility services transformers, breakers, motors, engines, and associated equipment in the electrical distribution and power transmission industries. GE has so far not located any records of waste handling or disposal for that facility for the relevant time period.**

**GE owned and operated a Re-Entry Systems manufacturing facility at 3198 Chestnut Street, Philadelphia from the 1950's until the 1980's. The facility manufactured nose cones and other re-entry related parts for rockets. The Aerospace Division of GE was sold to Martin Marietta Corporation. All records related to that facility were transferred to Martin Marietta Corporation as part of the sale.**

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
  - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

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General Electric Company Response  
Page 6  
09/06/2001

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. This question attempts to require GE to identify potentially hundreds of different types of documents and summarize possibly thousands of documents. Subject to the objections above, and not a waiver of any part thereof, GE states that it has not found any contracts or correspondence with any other company or entity regarding the transportation and disposal of waste to the Site for any of the identified establishments. Other records are being reviewed and will be supplied to EPA in a subsequent response.**

6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
  - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchase, stored, or otherwise handled;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to your company.

**GE's Answer:**



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General Electric Company Response

Page 7

09/06/2001

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Subject to the objections above, and not a waiver of any part thereof, GE states that hazardous substances such as metals, solvents, paints and debris was generated at the Elmwood Avenue facility and disposed of at the Site. GE further states that it is currently reviewing documents responsive to this request and documents will be supplied to EPA in a subsequent response.**

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
  - c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
  - e. The name of the individual(s) and/or company (ies) that disposed of or treated each such by-product or waste; and
  - f. The location and method of treatment and/or disposal of each such by-product or waste.

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Subject to the objections above, and not a waiver of any part thereof, GE states that hazardous substances such as metals, solvents, paints and debris was generated at the Elmwood Avenue facility and disposed of at the Site. GE further states that it is currently reviewing**

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General Electric Company Response

Page 8

09/06/2001

**documents responsive to this request and documents will be supplied to EPA in a subsequent response.**

8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, Marvin Jonas, Jonas Waste Removal, Schiavo Bros., Inc., ADM Disposal Services and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
  - b. The date (s) on which or time period during which such material was removed or transported for disposal;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with who your establishment dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

**GE's Answer:**

09/06/01  
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General Electric Company Response

Page 9

09/06/2001

**GE has not found any documents or other information indicating that GE contracted with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, Marvin Jonas, Jonas Waste Removal, Schiavo Bros., Inc., ADM Disposal Services and/or any other company or municipality to remove or transport material from the identified facilities above between 1958 and 1976 for waste disposal. However, GE states that in 1971, the Power Generation division adopted an internal policy requiring that plant trash and waste be disposed of properly through a competent contractor. At least at the Elmwood Avenue facility, a contractor was used to haul some compacted waste from the facility from 1971 to 1976.**

9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site and/or
  - c. Arranged for the transportation of material to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Given the number of GE facilities in Philadelphia and the vast time period involved, EPA's request calls potentially for the names of hundreds of people. And many of the employees who would be expected to have information responsive to the Request are retired, deceased or otherwise not reasonably available. GE further objects that this question is invasive of personal privacy to the extent it purports to require GE to search out and provide home addresses, telephone numbers, and job titles (outside of GE). Furthermore, to the extent this information is not known to GE, since the question is not limited to GE employees, it is equally available to EPA.**

**Subject to the objections above, and not a waiver of any part thereof, the following employees disposed of materials at the Site between 1961 and 1970:**

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General Electric Company Response  
Page 10  
09/06/2001

**Rich Conway  
Millwright  
GE Industrial Systems Power Equipment Business  
Component Parts & Turbine Support Operation  
6901 Elmwood Avenue  
Philadelphia, PA 19142  
215-726-2046**

10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The Annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's (s') possession regarding arrangements made to dispose of or treat such material at the Site.

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority.**

**Subject to the objections above, and not a waiver of any part thereof, GE states that from 1958 until the 1970's, GE maintained an incinerator at the Elmwood Avenue facility and nearly all of the plant waste was incinerated onsite. From sometime in 1966 until approximately 1970, GE directly disposed of waste that it could not incinerate at the facility at the Folcroft landfill. GE took waste to the Folcroft landfill in a standard-sized dump truck owned and operated by GE one to two times per day on average. The waste materials were generally contained in either 55 gallon drums or 3-4 foot square boxes, and consisted generally of**

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General Electric Company Response

Page 11

09/06/2001

**oversized pieces of wood that did not fit in the onsite incinerator, steel cuttings and turnings mixed with cutting oils, mixed floor debris, paint wastes, and materials used to clean up cutting oil spills. By 1971, in accordance with internal GE policy, GE direct disposal at the Folcroft landfill was discontinued, and an independent contractor took plant waste from the facility. GE has found no records identifying the contractor that took waste from the Elmwood Avenue facility between the time period of 1971 to 1976. GE has no information indicating where the contractor that took waste from the Elmwood Avenue facility from 1971 to 1976 took the waste. Other records are being reviewed and will be supplied to EPA in a subsequent response.**

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

**GE's Answer:**

**Other than disposing of waste directly at the Site between 1966 and 1971, GE has no found no information to indicate that GE ever spilled or caused a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site. GE objects to the rest of this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. To the extent that the question purports to ask for information about anyone other than GE, that information is equally available to EPA.**

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

**GE's Answer:**

**GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. Given the number of GE facilities in Philadelphia and the vast time period involved, EPA's request calls potentially for the names of hundreds of people. And many of the employees who would be expected to have information responsive to the Request are retired, deceased or otherwise not reasonably available. GE further objects that this question is invasive of personal privacy to the extent it purports to require GE to search out and provide home addresses, telephone numbers, and job titles.**

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

**GE's Answer:**

**GE has no found no information to indicate that GE or any person or entity on GE's behalf ever conducted any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site.**

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

**GE's Answer:**

**GE has no found no information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site.**

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

**GE's Answer:**

**a. and b.     David Rifkind  
Counsel - Environmental Matters  
General Electric Company  
640 Freedom Business Center  
King of Prussia, PA 19406  
  
610-992-7969**

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;
- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents; and

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General Electric Company Response

Page 14

09/06/2001

- d. *The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.*

**GE's Answer:**

GE objects to this question as overbroad, vague and unduly burdensome to answer and not reasonably calculated to obtain information that EPA can obtain pursuant to its statutory authority. This question attempts to require GE to describe documents that no longer exist, and may not have existed for more than 25 years. Given the number of GE facilities in Philadelphia and the vast time period involved, EPA's request calls potentially for the names of hundreds of people. And many of the employees who would be expected to have information responsive to the Request are retired, deceased or otherwise not reasonably available. GE further objects that this question is invasive of personal privacy to the extent it purports to require GE to search out and provide home addresses, telephone numbers, and job titles.

Subject to the objections above, and not a waiver of any part thereof, GE states that many documents have been destroyed in the past 25 years in the routine course of business in accordance with GE's general policy of maintaining records only for the time period required by the applicable law at the time the records are destroyed. Some of the documents destroyed in the routine course of business as allowed by law may have been responsive to this Request.



## **GENERAL OBJECTIONS**

### **A. The information Requests Seek information Beyond the Scope of EPA's Authority**

GE objects to this information request to the extent that it seeks information beyond the scope of EPA's authority under CERCLA § 104(e) and RCRA § 3007 and/or seeks information that is not relevant to the legislative purposes of EPA. The EPA is authorized only to request information reasonably related to (i) the identification, nature, or quantity of materials which have been generated, treated, stored, disposed of at, or transported to, the Facility; (ii) the nature or extent of a release or threatened release from the Facility; or (iii) the ability to pay for or perform a cleanup. 42 U.S.C §§ 6927(a), 9604 (e)(2). Significant portions of this Request thus exceed EPA's authority under these provisions.

For example, EPA does not have the authority to require GE to identify and describe current facilities that were not in existence in 1976, since such facilities could not have contributed waste to the Site. Such a request is not reasonably calculated to obtain information about GE's connection, if any to the Site. Similarly, EPA cannot require GE to obtain information not in its possession, such as requiring GE to conduct interviews of former employees and contractors. E.g., United States v. Ciba Corp., 16 Fed. R. Serv. 2d 95, 96 (D.N.J 1971). Similarly, EPA does not have the authority to impose upon GE a continuing and open-ended obligation to supplement its responses. GE has also set forth objections to specific instructions, definitions and requests below.

### **B. The Information Requests are Overbroad, Vague, Unreasonably Burdensome and Oppressive.**

GE objects to the information requests on the grounds that they are overbroad, vague, unreasonably burdensome and oppressive. E.g., United States v. Morton Salt Co., 338 U.S. 632, 652 (1950) for example:

- By directing many of its requests for information about GE's activities, EPA's Request could be interpreted to ask for information related to waste disposal practices at GE facilities that are not reasonably related to the Site. Requesting information about activities at such locations that are not reasonably related to the Site is unreasonably burdensome and oppressive.

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General Electric Company Response

Page 16

09/06/2001

- The Request purports to seek information concerning waste disposal and other activities spanning a period of 20 years, and which occurred as long as 40 years ago.
- The Request attempts to create a never-ending obligation by GE to supplement its responses. Such requests are clearly overbroad, vague, and unreasonably burdensome.
- The Request is also duplicative and unreasonably burdensome and overbroad to the extent that it seeks information relating to GE facilities already provided to EPA pursuant to GE responses to other 42 U.S.C § 9604 (e) information requests.
- The Request asks for information about facilities located in the "Philadelphia Area" but does not define that term. The "Philadelphia Area" is a vague description that is open to substantially different interpretations by different people. It is unduly burdensome and unreasonable to expect that GE has the same understanding that EPA does of what constitutes the "Philadelphia Area."

### **C. The Information Request Unlawfully Seek Privileged Information**

GE objects to the information request to the extent it seeks privileged information, including but not limited to documents and other information protected by the attorney-client privilege and work product protection. The request purports to require disclosure of information contained in documents that are clearly privileged.

### **D. GE Does not Admit the Truth, Correctness, or Authenticity of the Produced Documents.**

GE's production of such documents does not represent or act as an admission by GE that the contents of the documents are true, correct, or accurate, nor does it act to authenticate such documents for purposes of admissibility in any administrative or judicial proceeding.

GE's submission of the enclosed information and documents is made without waiver of any objections or rights and should not be construed and is not an admission of liability under any state or federal law. Further, GE reserves the right to supplement its response as appropriate.